REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussions, is respectfully requested.

Claims 1-33 are currently pending in the application. Claims 1, 12, 23 and 31 have been amended, and no claims have been canceled or added herewith. The changes to the claims are supported by the originally filed specification and do not introduce any new matter. For example, Figures 1 and 2 show that the devices in question are communications end-points, and the corresponding portion of the specification indicates the same.

In the outstanding Office Action, the specification was objected to as not containing proper antecedent basis for the claimed subject matter; Claims 1, 12, 23, 31 and 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over Oberlander et al. (U.S. Patent No. 5,825,865 (hereinafter "the '865 patent")) in view of Gordon et al. (U.S. Patent No. 5,608,786 (hereinafter "the '786 patent")) and Toth et al. (U.S. Patent No. 5,708,655 (hereinafter "the '655 patent")); Claims 2-11, 13-22 and 24-30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Oberlander et al. in view of Gordon et al. and Toth et al. and further in view of Blonder et al. (U.S. Patent No. 5,708,422); and Claim 33 was allowed.

In response to the objection to the specification, the claims have been amended in a fashion that renders the objection moot. As described above, the specification clearly contains support for such terminology as the specification utilizes "caller" and "callee" terminology throughout which are encompassed by "communications end-point devices."

Turning to the rejection of the independent claims, it is respectfully submitted that the office action has not established a prima facie case of obviousness. Independent claim 1 recites "the telephony processes having a dynamically assigned protocol address that is dynamically assigned upon connecting to an Internet and is temporary for each instance of connecting to the Internet," which the office action has not established is taught or suggested

by the cited references. The office action, in fact, admits that the '865 patent "fails to disclose the features of having call packets generated from telephony processes, which have dynamically assigned Internet protocol address."

The office action attempts to address the admitted deficiency of the '865 patent by alleging that it "is well known in the art for dynamically routing these messages via Internet, providing these messages to include temporary IP addresses in the header." However, that assertion does not address the claim language. While messages may be dynamically routed, and the IP addresses in the messages may change from hop-to-hop, that does not mean that the assigned protocol addresses are "dynamically assigned upon connecting to an Internet and is temporary for each instance of connecting to the Internet." To the contrary, a route between two statically issued IP addresses, having many hops there between, could change from message to message without the addresses of the intermediate points ever changing dynamically. Also, while the change in routing would necessitate changes in addresses in messages to go between the various points, the addresses of the points on the route need not be "temporary for each instance of connecting to the Internet," as claimed. Generally, it appears that the office action is attempting to assert that dynamic address assignment is inherent in the usage of packet-based telephony systems, which it is not. While dynamic address assignment is possible, it is not inherent.

Moreover, the office action appears to allege that routing paging messages, fax messages, ISDN messages and/or email via Internet each include IP addresses in their headers. Such an assertion does not allege, much less prove, that the IP addresses would be dynamically assigned upon connection to an Internet. Similarly, the office action alleges that an "Internet access provider (8) ... inherently includes a connection server for storing IP addresses for Internet telephony." Such an allegation does not state that the addresses would

be dynamically assigned protocol addresses. They could instead be fixed addresses, and thus there is no inherent disclosure for the office action to rely on.

The office action later also cites the '655 patent as teaching dynamically assigned IP protocol addressing schemes. However, the office action has not provided a motivation as to why one of ordinary skill in the art reading the '786 and '865 patents would have been motivated to include the teachings of the '655 patent. The office action alleges, without citation to authority, that the '655 patent is "from the similar field of endeavor." However, it is respectfully noted that the '655 patent is from the wireless area whereas the '786 and '865 patents appear to be from the wired area. Moreover, it is noted that it appears that the '655 patent and the '865 patent are not even classified in the same areas or part of overlapping search areas. Thus, while the addressing scheme of the '655 patent may be "easily adopted," there is no evidence that one of ordinary skill in the art would have been so motivated. More specifically, where is the indication in the '865 patent (or anywhere else) that the system of the '865 patent is deficient such that one of ordinary skill in the art would have sought to modify the teachings of the '865 patent?

Applicants also request that the next office action provide a citation to support its allegation that it was "well known in the art to include a connection server for storing IP addresses for Internet telephony communication."

Accordingly, it is respectfully submitted that claim 1 and its dependent claims are patentable over the cited combination of references. Furthermore, the other independent claims recite similar features and are therefore patentable for at least the reasons set forth above with respect to the patentability of claim 1.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome and in

condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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